



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,496	02/15/2001	Rei Inasaka	X2008F	3307

7590 02/10/2005

JAMES J. RALABATE  
5792 MAIN STREET  
WILLIAMSVILLE, NY 14221

EXAMINER
----------

VIEAUX, GARY

ART UNIT	PAPER NUMBER
----------	--------------

2612

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/784,496	<b>Applicant(s)</b> INASAKA, REI	
	<b>Examiner</b> Gary C. Vieaux	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/13&amp;19/04, 10/2/01</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Change of Examiner***

The prosecution of this application has been transferred to Examiner Gary C. Vieaux from the docket of Examiner Jeremy R. Elder. Any inquiry concerning this or earlier communications should be directed to the current Examiner of record. Current contact information is provided in the last section of this communication.

### ***Amendment***

The Amendment filed November 16, 2004 has been received and made of record. In response to the first office action, the title, as well as claims 1 and 3, have been amended. Claim 2 has been cancelled. Claims 4-8 have been added by Applicant.

In response to Applicant's amended title, the Examiner finds the amended title to be more indicative of the invention to which the claims are directed. Therefore, the objection to the title is hereby withdrawn.

### ***Information Disclosure Statement(s)***

The information disclosure statements (IDS) submitted on the following dates are in compliance with the provisions of 37 CFR 1.97 and are being considered by the Examiner:

August 19, 2004, August 13, 2004, and October 2, 2001.

### ***Claim Rejections***

Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-8** are rejected under 35 U.S.C. 102(e) as being anticipated by Mitchell et al. (US #6,356,437.)

Regarding claim 1, Mitchell teaches a system comprising a wearable computer (fig. 1 indicator 102), containing all the essential elements of a computer and capable of being operated hands-free (col. 6 line 54 – col. 7 line 39; col. 9 lines 33-37), a body supported display device communicating with said computer (fig. 1 indicator 112) and providing an interface for a user to said computer (col. 9 lines 7-11), a body supported video camera communicating with said computer and said display for capturing video coverage (col. 9 lines 18-22), said video camera capable of essentially hands-free operation once activated (fig. 1 indicator 118; col. 16 lines 38-43), said video camera further providing video feedback to at least one display window on said display device

(col. 9 lines 18-22; col. 15 lines 56-59), a microphone (fig. 1 indicator 116) supporting command and control to operate the wearable computer and synchronized with said video camera for capturing audio simultaneous to video captured by said video camera (col. 16 lines 38-43), a communications means communicating with said computer for transmitting audio and video coverage captured by said microphone and said camera (fig. 1 indicator 128; col. 9 lines 58-65), a server computer capable of receiving signals representative of captured audio and video and converting said signals into a format which can be viewed on a personal computer possessing a video and audio capable client by persons connected to the Internet (col. 9 line 58 – col. 10 line 9.)

Regarding claim 3, Mitchell teaches a method comprising the steps of supporting a user-supported computer on the body of a person (fig. 1), wherein said computer possesses a body-worn video recording means (fig. 1 indicator 118; col. 9 lines 18-22) and a body worn audio recording means (fig. 1 indicator 116), operating the user-supported computer hands-free (col. 6 lines 54-58; col. 9 lines 33-37), recording audio and video coverage utilizing said computer, said video recording means and said audio recording means (col. 16 lines 38-43), displaying, in at least one window, on a body-worn display device in communication with said computer and said video recording means, video feedback from said video recording means (col. 9 lines 18-22; col. 15 lines 56-59), wirelessly transmitting signals representative of recorded audio and video using a communications means integral or attached to said computer to a server computer (fig. 1 indicator 128; col. 9 line 58 – col. 10 line 9), converting, at said server

computer, said signals into a format which can be downloaded and displayed by personal computers over the world wide web (col. 10 lines 2-9.)

Regarding claim 4, Mitchell teaches a system comprising in combination a user supported computer (fig. 1 indicator 102; col. 9 lines 1-7), a user supported display (fig. 1 indicator 112; col. 9 lines 7-11), means for said computer to communicate with said display (fig. 1 indicator 120), a user supported hands-free video camera in communication with said display and said computer (fig. 1 indicator 118; col. 9 lines 18-22), means for said camera to provide video feedback to said display (col. 9 lines 18-22), a microphone in communication with said video camera for capturing audio signals substantially simultaneous to signals captured by said video camera (fig. 1 indicator 116; col. 16 lines 38-43), communication means for transmitting said audio and video coverage captured by said microphone and said video camera, (fig. 1 indicator 128; col. 9 lines 58-65) and means for converting said signals to a format which can be viewed on a personal computer (col. 9 line 58 – col. 10 line 9), wherein said computer, display and video camera are all user supported and have means for hands-free operation (fig. 1; col. 9 lines 27-37; col. 16 lines 38-43.)

Regarding claim 5, Mitchell teaches all the limitations of claim 5 (see the 102(e) rejection to claim 4 supra) including a system in which said means for converting said signals is a server computer (col. 9 line 66 – col. 10 line 5.)

Regarding claim 6, Mitchell teaches all the limitations of claim 6 (see the 102(e) rejection to claim 4 supra) including a system wherein said format can be viewed on a

personal computer possessing a video and audio capable client by persons connected to the internet (col. 10 lines 5-9; col. 10 line 58 – col. 11 line 8; col. 16 lines 35-43.)

Regarding claim 7, Mitchell teaches all the limitations of claim 7 (see the 102(e) rejection to claim 4 supra) including a system wherein said video camera has means for further providing video feedback to at least one display window on said display device (col. 9 line 18-22; col. 15 lines 56-59.)

Regarding claim 8, Mitchell teaches all the limitations of claim 8 (see the 102(e) rejection to claim 4 supra) including a system wherein said microphone is synchronized with said video camera and said system has means for capturing audio substantially simultaneous to video captured by said video camera (col. 16 lines 35-43.)

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2612

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kamakura et al. (US #6,172,657) discloses a body mount-type information display apparatus.

Newell et al. (US #6,466,232) discloses a body mounted computer system.

### ***Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C. Vieaux whose telephone number is 703-305-9573 until March 1, 2005, and 571-272-7318 afterwards. The examiner can normally be reached during his normal office hours, which are Monday - Friday, 8:00am - 4:00pm, with alternating Fridays off.

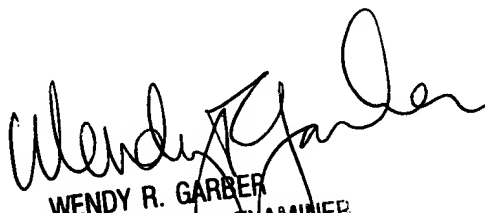
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached at 703-305-4929 until March 1, 2005, and at 571-272-7308 afterwards. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gary C. Vieaux  
Examiner  
Art Unit 2612

Gcv2

  
WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600